

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10951-11000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 5, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10951. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., a Corporation. Tried to the court and a jury. Verdict for the defendant. (F. & D. No. 12366. I. S. No. 11992-r.)

On July 31, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Red River Oil Co., a corporation, trading at Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 11, 1919, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed meal which was alleged to have been misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.27 per cent of crude protein, 16.51 per cent of crude fiber, and 5.80 per cent of nitrogen. Examination of the article showed that the average net weight of 60 sacks was 94.3 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross—99 Lbs. Net," and "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 99 pounds of the said article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 99 pounds of the article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of said sacks did not contain 99 pounds of the article, and the said article did contain less than 38.55 per cent of protein, less than 6.17 per cent of equivalent nitrogen, and more than 12 per cent of crude fiber. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10952. Misbranding of Vigoron. U. S. v. 216 Dozen Packages of Vigoron. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13325. I. S. No. 2382-t. S. No. C-2152.)

On August 14, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 216 dozen packages of Vigoron, remaining unsold in the